

Message Text

LIMITED OFFICIAL USE

PAGE 01 GENEVA 07290 171728Z

13

ACTION EB-07

INFO OCT-01 ARA-06 EUR-12 EA-07 IO-13 ISO-00 FEA-01 AGR-05

CEA-01 CIAE-00 COME-00 DODE-00 FRB-03 H-02 INR-07

INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05

CIEP-01 SS-15 STR-04 ITC-01 TRSE-00 USIA-06 PRS-01

SP-02 OMB-01 /119 W

----- 053502

R 171542Z SEP 76

FM USMISSION GENEVA

TO SECSTATE WASHDC 2410

INFO AMEMBASSY BRASILIA

AMEMBASSY BUENOS AIRES

AMEMBASSY CANBERRA

AMEMBASSY OTTAWA

USMISSION EC BRUSSELS

LIMITED OFFICIAL USE GENEVA 7290

E.O. 11652: N/A

TAGS: GATT, ETRD

SUBJ: GATT COUNCIL AGREES ON PANEL FOR NFDM

REF: STATE 228024, GENEVA 7216

1. THE GATT COUNCIL IN ITS SEPTEMBER 17 MEETING AGREED TO THE U.S. REQUEST FOR A PANEL DEALING WITH THE EC MIXING REGULATION FOR NFDM.

2. USDEL (BRUNGART) REMINDED COUNCIL THAT THE U.S. HAD RAISED THIS ISSUE AT PREVIOUS COUNCIL MEETINGS AND HAD EXPLAINED ITS VIEWS IN THE MEETING OF JULY15. THUS THE CPS HAVE HAD SUFFICIENT TIME TO CONSIDER THIS MATTER AND SHOULD BE ABLE TO TAKE A DECISION AT THIS COUNCIL MEETING. USDEL THEN PROPOSED TERMS OF REFERENCE, AS PER REFTEL.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 GENEVA 07290 171728Z

3. ARGENTINA, CANADA, BRAZIL, AND AUSTRALIA SUPPORTED THE U.S. PROPOSAL. ARGENTINA, IN PARTICULAR, MADE LENGTHY STATEMENT CONCERNING THE EFFECTS OF THE EC'S NFDM MIXING REGULATION. ARGENTINE DEL SAID THESE ARE DISCRIMINATORY BOTH WITH REGARD TO PRODUCTS AND SOURCES

OF SUPPLY. ARGENTINA POINTED OUT THAT IT WISHES TO PARTICIPATE IN A PANEL AS LONG AS THE EC'S MEASURES ARE MAINTAINED. (IT OF COURSE WILL BE UP TO PANEL TO DECIDE WHETHER ARGENTINA'S TESTIMONY SHOULD BE HEARD.)

4. THE EC DEL (LUYTEN) STATED THAT BY SEPTEMBER 9 300,000 MT OF SKIM MILK POWDER HAVE BEEN CONTRACTED FOR. AT THIS RATE OF DISPOSAL 400,000 MT ARE LIKELY TO BE DISPOSED OF BY OCTOBER 31.

5. LUYTEN STATED FURTHER THAT AT THIS STAGE THE EC DID NOT WISH TO DISCUSS THE LEGAL ASPECTS OF THE U.S. JULY 15 STATEMENT TO THE COUNCIL BECAUSE THE GATT ASPECTS OF THE EC NFDM MIXING REGULATION ARE ONLY ONE ELEMENT OF THIS ISSUE. OTHER ELEMENTS ARE EQUALLY PERTINENT. LUYTEN SAID THE EC CAN ACCEPT A GATT PANEL BUT MUST RESERVE ITS POSITION ON THE LEGAL ASPECTS RAISED IN THE U.S. JULY 15 STATEMENT TO THE COUNCIL. MOREOVER THE EC CAN ACCEPT A PANEL ON THE BASIS OF THE TERMS OF REFERENCE PROPOSED BY THE U.S. ON JULY 15 BUT NOT ON THE BASIS OF THE NEW TERMS OF REFERENCE, WHICH WERE JUST RECEIVED AND HAVE NOT BEEN STUDIED.

6. USDEL STATED THAT THE U.S. STANDS ON ITS COMPLAINT OF JULY 15 AND THAT THE NEW TERMS OF REFERENCE PROPOSED ARE MERELY MORE EXACT BUT NOT SUBSTANTIALLY DIFFERENT FROM THOSE PREVIOUSLY PROPOSED. U.S. EXPRESSED HOPE THAT THE COUNCIL COULD ACCEPT THE NEW WORDING OF THE TERMS OF REFERENCE BUT WOULD NOT INSIST ON THEM IN ORDER TO EXPEDITE THE ESTABLISHMENT OF THE PANEL.

7. AT THE END OF THE DISCUSSION THE COUNCIL CHAIRMAN CONCLUDED THAT A PANEL HAS BEEN APPROVED ON THE BASIS OF THE JULY 15 TERMS OF REFERENCE BUT THAT THE TERMS OF LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 GENEVA 07290 171728Z

REFERENCE PROPOSED AT THIS MEETING WILL REMAIN ON THE RECORD. THE COUNCIL CHAIRMAN ALSO STATED THAT HE WILL NOMINATE THE MEMBERS OF THE PANEL IN CONSULTATION WITH INTERESTED PARTIES.

8. THUS, THE TERMS OF REFERENCE READ: "TO EXAMINE THE COMPLAINT BY THE UNITED STATES THAT THE EEC IMPORT DEPOSIT AND PURCHASING REQUIREMENTS AFFECTING NON-FAT

DRY MILK AND CERTAIN ANIMAL FEED PROTEINS ARE NOT CONSISTENT WITH THE EEC'S OBLIGATIONS UNDER THE GATT, INCLUDING THOSE OBLIGATIONS UNDER ARTICLES I, II AND III, AND TO MAKE SUCH FINDINGS AS WILL ASSIST THE CONTRACTING PARTIES IN MAKING THE RECOMMENDATIONS OR RULINGS PROVIDED FOR IN PARAGRAPH 2 OF ARTICLE XXIII."
CATTO

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MEETING REPORTS, MEETINGS, NONFAT DRIED MILK, AGRICULTURAL POLICIES
Control Number: n/a
Copy: SINGLE
Draft Date: 17 SEP 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976GENEVA07290
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760353-0303
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760950/aaaabqkr.tel
Line Count: 122
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 STATE 228024, 76 GENEVA 7216
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 06 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <06 APR 2004 by BoyleJA>; APPROVED <06 APR 2004 by morefirh>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: GATT COUNCIL AGREES ON PANEL FOR NFDMM
TAGS: ETRD, US, GATT
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006